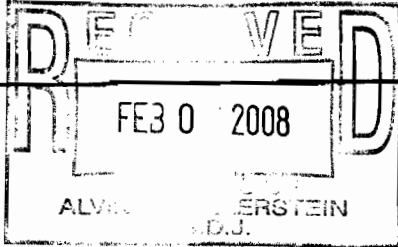


## U.S. Department of Justice

United States Attorney  
Southern District of New York



The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

February 6, 2008

BY FACSIMILE: (212) 805-7942

Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007

Re: United States v. Hector Manuel Rosario Batista  
07 Cr. 714 (AKH)

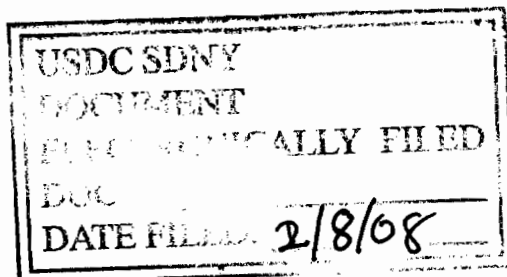
Dear Judge Patterson:

The Government respectfully submits this letter to request the scheduling of a conference in the above-referenced case and an exclusion of time under the Speedy Trial Act.

It has come to the Government's attention that somehow the last scheduled conference lapsed without either the Government's or the defendant's participation. Apparently, the previously-scheduled conference of December 12, 2007 was adjourned until January 18, 2008 at 10:45 a.m., at the defendant's request by letter dated December 11, 2007, but both parties failed to show up at the January 18 conference. Unfortunately, it appears that the undersigned counsel inadvertently failed to note the adjourned date on their respective calendars. While an exclusion of time under the Speedy Trial Act was granted until January 18, 2008, the docket sheet does not reflect any subsequent exclusions of time.

Accordingly, the Government respectfully requests that the Court schedule a conference in this matter for later this month. It is anticipated that this additional time will permit the Government and defendant sufficient time to work out a final disposition of this case, or that a trial date will need to be scheduled at that conference due to failed plea discussions. In addition, the Government respectfully requests, with defense counsel's consent, that time be excluded for purposes of the Speedy Trial Act from today through and including the date of the next scheduled

*A conference will be held  
Feb. 28, 2008, at  
10:00am. Time is excluded  
from today until that date.  
2.9.08  
Alvin Hellerstein*



MEMO ENDORSED

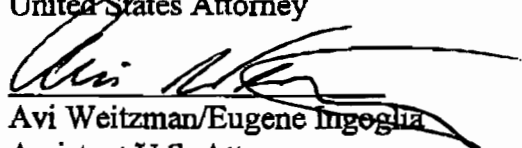
Hon. Alvin K. Hellerstein  
February 6, 2008  
Page 2

court conference in order to permit the Government and the defendant to consider a possible disposition of the case. Therefore, the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8).

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

  
Avi Weitzman/Eugene Ingoglia  
Assistant U.S. Attorneys  
(212) 637-1205/1113

Enc.

cc: Roy Kulcsar, Esq. (by email: RRRKlaw@aol.com)  
Attorney for Defendant